

Senate Judiciary Committee Amendment No. 1 (Cohen)

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2268\***

**House Bill No. 2643**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 11 Part 6, is amended by adding the following new section to be designated as 39-11-623:

39-11-623.

(a) In addition to the justification of self-defense set out in Tennessee Code Annotated, Section 39-11-611, and notwithstanding the provisions of Tennessee Code Annotated, Section 39-11-621, it is an affirmative defense to criminal prosecution, which must be proven by clear and convincing evidence, that a private citizen's threatened use or use of force, including deadly force, was to apprehend a person who was committing or had committed first or second degree murder, attempt to commit first or second degree murder, aggravated robbery, especially aggravated robbery, rape, aggravated rape, rape of a child, burglary of a home or business, or carjacking and the citizen used such force:

(1) while such person was on the same property where the offense was committed or attempted to be committed; and

(2) during or in fresh pursuit of such person after commission or attempted commission of the offense.

(b) Any private citizen asserting the affirmative defense set out in subsection (a) is presumed to have been put in reasonable fear of imminent peril of death or serious bodily harm to self or others by the conduct of such felon.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

**\*600000001\***

**\*012204\***

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